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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,029	08/30/2001	Koh Takeuchi	Q64677	7279

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER

HESS, BRUCE H

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

cb11

<b>Office Action Summary</b>	Application No. <b>09/942,029</b>	Applicant(s) <b>Takouchi et al.</b>
	Examiner <b>Bruce Hess</b>	Group Art Unit <b>1774</b>
<i>—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> </ul>		
<b>Status</b>		
<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>7-15-03 (Amendment)</u>		
<input checked="" type="checkbox"/> This action is <b>FINAL</b> .		
<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
<input checked="" type="checkbox"/> Claim(s) <u>7-15</u> is/are pending in the application.		
Of the above claim(s) <u>7-9</u> is/are withdrawn from consideration.		
<input type="checkbox"/> Claim(s) _____ is/are allowed.		
<input checked="" type="checkbox"/> Claim(s) <u>10-15</u> is/are rejected.		
<input type="checkbox"/> Claim(s) _____ is/are objected to.		
<input type="checkbox"/> Claim(s) _____ are subject to restriction or election requirement.		
<b>Application Papers</b>		
<input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.		
<input type="checkbox"/> The proposed drawing correction, filed on _____ is <input checked="" type="checkbox"/> approved <input type="checkbox"/> disapproved.		
<input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
<input type="checkbox"/> The specification is objected to by the Examiner.		
<input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. § 119 (a)-(d)</b>		
<input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
<input checked="" type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.		
<input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____.		
<input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).		
*Certified copies not received: _____.		
<b>Attachment(s)</b>		
<input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ <input type="checkbox"/> Interview Summary, PTO-413		
<input type="checkbox"/> Notice of Reference(s) Cited, PTO-892 <input type="checkbox"/> Notice of Informal Patent Application, PTO-152		
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948 <input type="checkbox"/> Other _____		
<b>Office Action Summary</b>		

1. Claims 11-15 are rejected under 35 USC112 (second paragraph) as being indefinite. In particular, the statutory class of these claims is not clear (i.e., are they article claims or process claims like claim 10 upon which they depend?)
2. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of the Suzuki et al. patents for the reasons of record.

The 132 Declaration does not make a comparison with the closest prior art. In particular, Comparative Example 1 does not employ an amide-material. It is recognized that while Suzuki et al. do not require an amide (e.g., stearic acid amide), they do require one of four modifications (see column 5, lines 32-37). Consequently, the comparative Example should have employed one or more of modifications (2) – (4) as a comparison with modification (1) (i.e., use of stearic acid amide). The examiner would consider such a comparison after final rejection.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Bruce Hess at telephone number (703) 308-2402.

B. Hess/lap

November 12, 2003



BRUCE H. HESS  
PRIMARY EXAMINER